

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE BROOKLYN UNION GAS COMPANY,

Plaintiff,

-against-

EXXON MOBIL CORPORATION,
UNITED STATES OF AMERICA,
PARAGON OIL INC./TEXACO, INC.,
BAYSIDE FUEL OIL DEPOT CO.,
IRON MOUNTAIN, INC.,
CITY OF NEW YORK,
MOTIVA ENTERPRISES LLC,
BUCKEYE PARTNERS, L.P.,
SUNOCO, INC. (R&M),
CHEVRON U.S.A., INC.,
19 KENT ACQUISITION LLC,
NORTH 12TH ASSOCIATES LLC,
35 KENT AVE LLC,
NEW 10TH STREET LCC, and
PATTI 3 LLC,

Defendants.

NOTICE OF MOTION

Index No. 1:17-cv-00045 (MKB)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Daniel R. Farino, certain Defendants (the “Moving Defendants”) will move this Court before the Honorable Margo K. Brodie at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, as soon as counsel can be heard, for an Order dismissing the Second Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper. The Moving Defendants are:

EXXON MOBIL CORPORATION,
PARAGON OIL INC./TEXACO, INC.,
BAYSIDE FUEL OIL DEPOT CORP.,
IRON MOUNTAIN, INC.,
CITY OF NEW YORK,
BUCKEYE PARTNERS, L.P.,
SUNOCO, INC. (R&M),
CHEVRON U.S.A. INC.,
19 KENT ACQUISITION LLC,
NORTH 12TH ASSOCIATES, LLC,
35 KENT AVE LLC,
NEW 10TH STREET, LLC,
MOTIVA ENTERPRISES LLC, and

PATTI 3, LLC.

Counsel for the above parties have consented to the submission of this document via ECF by Daniel Farino, counsel for Defendant Exxon Mobil Corporation.

Dated: New York, NY
July 29, 2019

/s/ Elizabeth Knauer

Elizabeth Knauer
Victoria S. Treanor
SIVE, PAGET & RIESEL P.C.
560 Lexington Avenue, 15th floor
New York, NY 10022
(212) 421-2150
eknauer@sprlaw.com
vtreanor@sprlaw.com
Attorneys for Defendants
19 Kent Acquisition LLC,
North 12th Associates, LLC,
35 Kent Ave LLC, and New 10th Street, LLC

/s/ Matthew Morrison

Matthew Morrison
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1200 Seventeenth Street NW
Washington, DC 20036-3006
(212)663-8036
matthew.morrison@pillsburylaw.com
Attorneys for Defendants
Chevron U.S.A. Inc.,
Paragon Oil Inc, and Texaco, Inc.

/s/ Daniel R. Farino

David Edelstein
Daniel Farino
ARCHER & GREINER, P.C.
21 Main Street, Suite 353
Hackensack, NJ 07601
(856) 354-3125
dedelstein@archerlaw.com
Attorneys for Defendant Exxon Mobil Corporation

/s/ John B. McCusker

John B. McCusker
Rosemarie DaSilva
MCCUSKER, ANSELM, ROSEN &
CARVELLI, P.C.
805 Third Avenue, 12th Floor
New York, NY 10022
(212) 308-0070
jmccusker@marc.law
Attorneys for Defendant Exxon Mobil Corporation

/s/ David J. Freeman

David J. Freeman
GIBBONS P.C.
1 Pennsylvania Plaza, 37th Floor
New York, NY 10119
(212) 613-2079
dfreeman@gibbonslaw.com
*Attorneys for Defendant Bayside Fuel Oil
Depot Corp.*

/s/ Duke McCall, III

Duke McCall, III
Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20006\4
(202) 373-6607
duke.mccall@morganlewis.com
Attorneys for Defendant Iron Mountain, Inc.

Zachary W. Carter
CORPORATION COUNSEL OF THE CITY
OF NEW YORK
Attorney for Defendant City of New York
100 Church Street, Room 6-143
New York, NY 10007
(212) 356-2316
cking@law.nyc.gov
dgoodric@law.nyc.gov

/s/ Holly K. Austin

Holly K. Austin
HANCOCK ESTABROOK LLP
1800 AXA Tower I
100 Madison Street
Syracuse, NY 13202
(315) 565-4603
haustin@hancocklaw.com
Attorneys for Defendant Buckeye Partners, L.P.

By: /s/ Christopher Gene King

Christopher Gene King
Devon Goodrich
Assistant Corporation Counsel

/s/ John J. McAleese, II

John J. McAleese, II
McCARTER & ENGLISH, LLP
1600 Market Street
Suite 3900
Philadelphia, PA 19085
(215) 979-3892
jmcaleese@mccarter.com
*Attorneys for Defendant
Sunoco, Inc. (R&M)*

/s/ Ryan O. Miller

Ryan O. Miller
Law Offices of Kishner & Miller
420 Lexington Avenue, Ste. 300
New York, NY 10170
(212) 585-3425
rmiller@kishnerlegal.com
Attorneys for Defendant Patti 3, LLC

/s/ Diana A. Silva

Robert D. Fox, Esquire (Pro Hac Vice)
Nicole R. Moshang, Esquire (Pro Hac Vice)
Diana A. Silva, Esquire (Pro Hac Vice)
Manko, Gold, Katcher & Fox, LLP
401 City Ave., Suite 901
Bala Cynwyd, PA 19004
(484) 430-5700 (Telephone)
(484) 430-5711 (Facsimile)
rfox@mankogold.com
nmoshang@mankogold.com
dsilva@mankogold.com
*Attorneys for Defendant
Motiva Enterprises LLC*